

IN THE UNITED STATES DISTRICT COURT FOR

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THE MIDDLE DISTRICT OF ALABAMA

2006 JUL 21 AM 06

NORTHERN DIVISION

UNITED STATES OF AMERICA

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ALABAMA STATE CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.

* 2:05-CV-1178-WKW-DRB

HORACE MILTON BLACK

*

FINAL STATEMENT OF CLAIMS PURSUED IN SECTION 2255 MOTION

COMES NOW, the above Horace Milton Black, through counsel, and pursuant to Court Order of June 9, 2006 does list his final claims and any additional claims for evidentiary hearing as follows;

1. All claims previously filed by the Petitioner, Horace Milton Black, in this Honorable Court, and additional claims to include;
2. Counsel was ineffective for failure to follow the request of Petitioner in that Petitioner asked that an appeal be filed. Court informed Petitioner that he had right to appeal the Court's refusal to allow him to withdraw his plea, that he requested counsel to appeal, counsel assured Petitioner he would file appeal, then failed to file an appeal.
3. Counsel was ineffective for failure to secure or investigate State records which would have negated any Career Offender enhancement. More specifically that a "possession with intent" at the State was agreed to be converted under a negotiated plea deal to "simple possession".

Respectfully submitted this the 20th day of July, 2006.



Pate DeBardeleben, Attorney for Horace Black

DEB008

2835 Zelda Road, Montgomery, AL 36106

334-213-0609

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the Honorable Clark Morris by mailing to P. O. Box 197, Montgomery, AL 36101-197, and on the Honorable Terry Smyly by mailing to 2038 Le Bron Ave., Montgomery, AL 36106-1833, this the 20th day of July, 2006.

Pate DeBardeleben

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